

REGULATION OF TRADE

*Convention signed at Shanghai November 8, 1858, supplementing treaty of June 18, 1858*¹

Senate advice and consent to ratification March 1, 1859

Ratified by the President of the United States March 3, 1859

*Entered into force November 8, 1858;*² *operative October 25, 1860*

*Terminated, in part, by treaty of July 25, 1928*³

*Superseded November 30, 1948, by treaty of November 4, 1946*⁴

12 Stat. 1069; Treaty Series 47

Whereas a Treaty of Peace Amity and Commerce between the Ta Tsing Empire and the United States of America was concluded at Tientsin and signed at the Temple of Hai-Kwang on the eighteenth day of June in the Year of our Lord one thousand eight hundred and fifty eight⁵ corresponding with the eighth day of the fifth moon of the eighth year of Hienfung: which said Treaty was duly ratified by His Majesty the Emperor of China on the third day of July following and which has been now transmitted for ratification by the President of the United States with the advice and consent of the Senate: and Whereas in the said Treaty it was provided among other things that the Tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the Treaty of Wang-hia⁶ except so far as it may be modified by treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favoured nation: and Whereas since the signature of the said Treaty material modifications of the said Tariff and other matters of detail connected with and having relation to the said treaty have been made under mutual discussions by Commissioners appointed to that end by the Plenipotentiaries of China, Great Britain and France to which the assent of the United States of America is desired and now freely given, it has been determined to record such assent and agreement in the form of a supplementary treaty to be as

¹ For tariff schedule attached to convention, see 12 Stat. 1070 or p. 2 of TS 47.

² For a detailed study of this convention, including a discussion of the date of entry into force, see 8 Miller 21.

³ TS 773, *post*, p. 721.

⁴ TIAS 1871, *post*, p. 761.

⁵ TS 46, *ante*, p. 659.

⁶ TS 45, *ante*, p. 647.

binding and of the same efficacy as though they had been inserted in the original treaty.

ARTICLE 1

The Tariff⁷ and Regulations of Trade and Transit hereunto attached, bearing the seals of the respective Plenipotentiaries of the United States and the Ta Tsing Empire, shall henceforward and until duly altered under the provisions of Treaties be in force at the ports and places open to commerce.

In faith whereof, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, to wit, on the part of the United States, William B. Reed Envoy Extraordinary and Minister Plenipotentiary: and on the part of the Ta Tsing Empire,

Kweiliang, a member of the Privy Council, Captain-general of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments and

Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-general of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries, with

Ho Kwei-Tsing, Governor General of the two Kiang provinces, President of the Board of War, and Guardian of the Heir-Apparent,

Mingshen, President of the Ordnance office of the Imperial Household, with the insignia of the second grade, and

Twan, a titular President of the fifth grade, member of the establishment of the General Council, and one of the junior under secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these Presents.

Done at Shanghai, this eighth day of November in the Year of our Lord one thousand eight hundred and fifty-eight, and the Independence of the United States of America the eighty-third, and in the eighth year of Hien-fung, the tenth month and third day.

WILLIAM B. REED		[SEAL]
KWEILIANG	[ideographic signature]	[SEAL]
HWASHANA	[ideographic signature]	[SEAL]
HO KWEI-TSING	[ideographic signature]	[SEAL]
MINGSHEN	[ideographic signature]	[SEAL]
TWAN	[ideographic signature]	[SEAL]

[For tariff schedule attached to convention, see 12 Stat. 1070 or p. 2 of TS 47.]

⁷ See footnote 1, p. 671.

REGULATIONS

RULE I

Unenumerated Goods

Articles not enumerated in the list of Exports but enumerated in the list of Imports, when exported, shall pay the amount of duty set against them in the list of Imports; and similarly, articles not enumerated in the list of Imports, but enumerated in the list of Exports, when imported will pay the amount of duty set against them in the list of Exports.

Articles not enumerated in either list, nor in the list of duty free goods, shall pay an *ad valorem* duty of five per cent, calculated upon their market value.

RULE II

Duty Free Goods

Gold and Silver Bullion, Foreign coins, Flour, Indian Meal, Sago, Biscuit, Preserved Meats and vegetables, Cheese, Butter, Confectionary,

Foreign clothing, Jewelry, Plated ware, Perfumery, Soap of all Kinds, Charcoal, Firewood, Candles (*foreign*) Tobacco (*foreign*) Cigars (*foreign*)

Wine, Beer, Spirits, Household Stores, Ship's Stores, Personal Baggage, Stationery, Carpeting, Druggeting, Cutlery, Foreign medicines, and Glass and Crystal-ware.

The above commodities pay no Import or Export Duty; but if transported into the Interior will, with the exception of Personal Baggage, Gold and Silver Bullion, and Foreign Coins, pay a transit duty at the rate of Two and a half per cent *ad valorem*.

A freight, or part-freight of duty free goods (personal baggage, gold and silver bullion, and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to Tonnage Dues.

RULE III

Contraband Goods

Import and Export Trade is alike prohibited in the following articles:

Gunpowder, Shot, Cannon, Fowling-pieces Rifles, Muskets, Pistols, and all other munitions and Implements of war; and Salt.

RULE IV

Weights and Measures

In the calculations of the Tariff, the weight of a pecul of one hundred Catties is held to be equal to one hundred and thirty-three and one-third

pounds avoirdupois; and the length of a *chang* of ten Chinese feet to be equal to one hundred and forty-one English inches.

One Chinese *chih* is held to equal fourteen and one-tenth inches English: and four yards English, less three inches, to equal one *chang*.

RULE V

Regarding certain commodities heretofore contraband

The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter, are relaxed under the following conditions.

1. Opium will henceforth pay Thirty taels per pecul, import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provision of the Treaty of Tientsin conferring privileges by virtue of the most favored clause, so far as respects citizens of the United States going into the interior to trade, or paying transit duties, shall not extend to the article of opium, the transit duties on which will be arranged as the Chinese government see fit; nor in future revisions of the tariff is the same rule of revision to be applied to opium as to other goods.

2. Copper Cash. The export of cash to any foreign port is prohibited: but it shall be lawful for citizens of the United States to ship it at one of the open ports of China to another, on compliance with the following regulation;—The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the Customs satisfactory, to return, within six months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon, of the receipt of the cash at the port of destination by the collector at that port, who shall thereto affix his seal; or failing the production of the certificate to forfeit a sum equal in value to the cash shipped.

Cash will pay no duty inwards or outwards, but a freight, or part-freight of cash, though no other cargo be on board, will render the vessel carrying it liable to tonnage dues.

3. The export of rice and all other grains whatsoever, native or foreign, no matter where grown, or whence imported, to any foreign port is prohibited; but these commodities may be carried by citizens of the United States from one of the open ports of China to another under the same conditions in respect of security as cash, on payment at the port of shipment of the duty specified in the Tariff. No import duty shall be levyable upon rice or grain, but a freight or part-freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.

4. Pulse. The export of Pulse and Bean-cake from Tǎng-chau and Nin-chwang, under the American flag is prohibited. From any of the other

open ports they may be shipped on payment of the Tariff duty, either to other ports of China or to foreign countries.

5. Saltpetre, Sulphur, Brimstone and Spelter, being deemed by the Chinese, to be munitions of war, shall not be imported by citizens of the United States save at the requisition of the Chinese government, or for sale to Chinese duly authorized to purchase them. No permit to land them shall be issued until the customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for citizens of the United States to carry these commodities up the Yang-tsz'-Kiang, or into any port other than those open on the seaboard, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only, and except at the ports, they will be regarded as Chinese property.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter, may be henceforward carried on, will be punishable by confiscation of all the goods concerned.

RULE VI

Liability of Vessels entering Port

For the prevention of misunderstanding, it is agreed that American vessels must be reported to the consul within twenty-four hours, counting from the time the vessel comes within the limits of the port; and that the same rule be applied to the forty-eight hours allowed by Art. 19. of the Treaty to remain in port without payment of tonnage dues.

The limits of the ports shall be defined by the customs with all consideration for the convenience of trade compatible with due protection of the Revenue; also the limits of the anchorages within which lading and discharging are permitted by the Customs, and the same shall be notified to the consuls for public information.

RULE VII

Transit Dues

It is agreed that the amount of transit dues legally levyable upon merchandise imported or exported shall be one-half the Tariff duties, except in the case of the duty-free goods liable to a transit duty of two and a half per cent *ad valorem*, as provided in No. 2 of these Rules.

Merchandise shall be cleared of its transit dues under the following regulations:

In the case of imports. Notice being given at the port of entry from which the imports are to be forwarded inland, of the nature and quantity of the goods, the ship from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the Collector of Customs shall, on due inspection made, and on receipt of the transit duty

due, issue a Transit Duty Certificate. This must be produced at every barrier station and viséed.—No farther duty will be levyable upon imports so certificated, no matter how distant the place of their destination.

In the case of exports. Produce purchased by a citizen of the United States in the interior, will be inspected and taken account of at the first barrier it passes on its way to the port of shipment. A memorandum, showing the amount of the produce, and the port at which it is to be shipped, will be deposited there by the person in charge of the produce. He will then receive a certificate, which must be exhibited and viséed at every Barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port, notice must be given to the customs at the port, and the transit dues due thereon, being paid it will be passed. On exportation the produce will pay the Tariff duty.

Any attempt to pass goods inwards or outwards, otherwise than in compliance with the rule here laid down, will render them liable to confiscation. Unauthorized sale *in transitu* of goods that have been entered as above for a port, will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination, named in the certificate liable to confiscation. Permission to export produce which cannot be proved to have paid its transit dues, will be refused by the customs until the transit dues shall have been paid.

RULE VIII

Trade with the Capital

It is agreed that no citizen of the United States, shall have the privilege of entering the capital city of Peking for the purposes of trade.

RULE IX

Abolition of the Meltage Fee

It is agreed that the percentage of one tael, two mace, hitherto charged, in excess of duty payments, to defray the expenses of melting, by the Chinese Government, shall no longer be levied on citizens of the United States.

RULE X

Collection of duties under one system at all Ports

It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on American trade, it is agreed that one uniform system shall be enforced at every port.

The high officer appointed by the Chinese Government to superintend foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit the different ports. The said high officer will be at liberty of his own choice, independently of the suggestion or nomination of

any American authority, to select any citizen of the United States he may see fit to aid him in the administration of the customs revenue, in the prevention of smuggling, in the definition of port-boundaries, or in discharging the duties of harbormaster;—also in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling up the Yang-tsz' Kiang, when that river shall open to trade.

WILLIAM B. REED [SEAL]